

REMARKS

Amendments to the Claims:

Claim 1 has been amended to include elements and/or limitations taken from claim 14. Claim 6 has been amended to change the dependency of that claim from claim 5 to claim 1. Claims 12 and 13 have been amended to correct a typographical error in the respective preambles of those claims. Claim 14 has been amended to be in independent form and to include all of the elements and/or limitations of claims 1 and 7, from which claim 14 previously depended. Claims 39 and 40 have each been amended to correct a typographical error.

Claims 5, 9, 41, and 42 have been canceled. Claims 43 and 44 have been added. Claims 2-3, 10-11, and 17 have been previously canceled. No new matter has been added.

Rejection of Claims Under 35 U.S.C. § 102:

Claims 1, 4, 5, 6, 9, 26-30, 41, and 42 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,512,913 to Hirst et al.

The generally accepted standard for maintaining an anticipation rejection under 35 U.S.C. 102 is found in the MPEP which states, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP 2131.) Or, in other words, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." (Id.)

In regard to claim 1, that claim has been amended as indicated herein above. Specifically, claim 1 now includes at least the following elements and/or limitations:

a controller configured to detect a thermal property of said roller and, in response, dynamically control said heating element, wherein said thermal property includes a differential temperature measured on either side of a nip region of said roller.

The Applicant contends that none of the prior art references disclose the above elements and/or limitations as required by claim 1. Furthermore, the Examiner has indicated in the Office action at page 5, item 10, that, "[n]one of the prior art of record teaches a controller for detecting a thermal property of the fusing roller and in response controlling the radiant heating arrays wherein the thermal

1 *property includes a differential temperature measured on either side of the nip region*
2 *of the fusing roller or between the fusing roller and the pressure roller.”*

3 The Applicant contends that claim 1 is not anticipated by Hirst, or by any other
4 cited prior art reference, because a claim is anticipated only if each and every
5 element as set forth in the claim is found, either expressly or inherently described, in
6 a single prior art reference, and because none of the prior art references disclose
each and every element of claim 1.

7 Accordingly, the Applicant respectfully requests that the rejection of claim 1 be
8 withdrawn and that claim 1 be allowed.

9 In regard to claims 4, 6 and 26-30, those claims depend from claim 1 and
10 therefore include all of the elements and/or limitations of claim 1. Thus, the
11 Applicant contends that each of claims 4, 6 and 26-30 are not anticipated by any of
12 the cited prior art references, including Hirst, for at least the reasons set forth above
13 with respect to the arguments against the rejection of claim 1. Accordingly, the
Applicant respectfully requests that the rejections of claims 4, 6 and 26-30 be
withdrawn and that those claims be allowed.

14 In regard to claims 5, 9, 41 and 42, those claims have been canceled. Thus,
15 the rejections of claims 5, 9, 41 and 42 are now moot.

16 Rejection of Claims Under 35 U.S.C. § 103:

17 Claims 7, 8, 12 and 40 have been rejected under 35 U.S.C. § 103(a) as being
18 unpatentable over Hirst in view of Japanese Publication Number 08-314323 to
19 Onishi et al. Claims 31 and 32 have been rejected under 35 U.S.C. § 103(a) as
20 being unpatentable over Hirst in view of U.S. Patent 6,505,027 to Takeuchi et al.
21 Also, claims 13 and 33 have been rejected under 35 U.S.C. § 103(a) as being
22 unpatentable over Hirst in view of Onishi and further in view of U.S. Patent 6,442,366
to Hartley et al.

23 The generally accepted standard for obviousness rejections includes a
24 requirement that “[t]o establish a *prima facie* case of obviousness . . . the prior art
25 reference (or references when combined) must teach or suggest all the claim
limitations.” (MPEP 2142.)

Moreover, “[i]f an independent claim is nonobvious under 35 U.S.C. 103, then
any claim depending therefrom is nonobvious.” (MPEP 2143.03.)

1 In regard to claims 7, 8, 12, 13, 31, 32, 33 and 40, those claims all depend
2 from claim 1. As is discussed above, claim 1 is not anticipated by any of the cited
3 prior art references. Furthermore, claim 1 has not been rejected as being obvious.
4 Therefore, none of claims 7, 8, 12, 13, 31, 32, 33 and 40 are obvious in view of the
cited prior art references because:

- 5 1) each of claims 7, 8, 12, 13, 31, 32, 33 and 40 depend from claim 1;
- 6 2) claim 1 is an independent claim and is nonobvious in view of the cited prior
7 art references for the reasons set forth above; and,
- 8 3) any claim that depends from a nonobvious independent claim is also
nonobvious as a matter of law.

9 Accordingly, the Applicant respectfully requests that the rejections of claims 7,
10 8, 12, 13, 31, 32, 33 and 40 be withdrawn and that those claims be allowed.

11 New Claims:

12 Claims 43 and 44 have been added as indicated herein above. Support for
13 claims 43 and 44 is found in the Applicant's specification and drawing figures,
14 including the claims. The Applicant contends that claims 43 and 44 are allowable in
15 view of the cited prior art references and in view of the Examiner's comments
16 regarding allowability of claims 14-25 and 34-39. Thus, the Applicant respectfully
17 requests timely allowance of claims 43 and 44.

18 Allowable Subject Matter:

19 The Examiner has indicated that claims 15-25 and 34-39 are allowed. The
20 Examiner has also indicated that claim 14 is objected to as being dependent upon a
21 rejected base claim, but would be allowable if rewritten in independent form including
all of the limitations of the base claim and any intervening claims.

22 Claim 14 has been amended as indicated herein above to be in independent
23 form and to include all of the limitations of the base claim and any intervening claims.
24 Accordingly, the Applicant respectfully requests that the objection to claim 14 be
25 withdrawn and that claim 14 be allowed.

1 New Fee:

2 Please charge any fees associated with this application to the Assignee's
3 deposit account as set forth in the attached Transmittal Letter.

4 **SUMMARY**

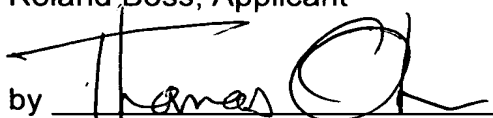
5 The Applicant believes this communication constitutes a full and complete
6 response to the last Office action mailed 09/17/2004. The Applicant further believes
7 that claims 1, 4, 6-8, 12-16, 18-40, 43 and 44 are in condition for allowance, and
8 therefore requests timely allowance of those claims.

9 The Examiner is respectfully requested to contact the below-signed attorney if
10 the Examiner believes this will facilitate prosecution toward allowance of the claims.

11 Respectfully submitted,
12 Roland Boss, Applicant

13 Date: December 17, 2004

14 by



15 Thomas Olson

16 Attorney for Applicant

17 Reg. No. 44,271

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